

SENATE BILL 2635

By McNally

AN ACT to amend Tennessee Code Annotated, Title 24,  
Chapter 1, Part 2, relative to privileged  
communications.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 24, Chapter 1, Part 2, is amended by  
adding the following as a new section thereto:

24-1-212.

(a) As used in this section:

(1) "Crisis response services" means consultation, risk assessment,  
referral, and on-site crisis intervention services provided by a critical incident  
stress management team to individuals affected by crisis or disaster;

(2) "Critical incident stress management team member" referred to as  
"team member" means an individual specially trained to provide crisis response  
services as a member of an organized community or local crisis response team  
that holds membership in a registered critical incident stress management team;

(3) "Debriefing session" means a session at which crisis response  
services are rendered by a critical incident stress management team member  
during or after a crisis or disaster;

(4) "Registered team" means a team formally registered with a  
recognized accrediting agency (i.e. International Critical Incident Stress  
Foundation, National Organization of Victims Assistance, National Red Cross);  
and

(5) "Training Session" means a session providing crisis response training  
by a qualified trained trainer.

(b) Except as provided under subsection (c) below, no person, whether critical incident stress management team member, team leader or group participant providing or participating in critical incident stress intervention shall be required to testify or divulge any information from a critical incident debriefing session, from a crisis response, or a training session as defined in subsection (a).

(c) The testimonial privilege established under subsection (a) of this section shall not apply if any of the following are true:

(1) The communication or advice indicates clear and present danger to the individual who receives crisis response services or to any other person or persons;

(2) The communication indicates cases in which there are indications of present or past child abuse or neglect of the individual;

(3) The individual who received crisis response services gives express consent to the testimony;

(4) If the individual who received crisis response services is deceased, the surviving spouse or the executor or administrator of the estate of the deceased individual gives express consent;

(5) The individual who received crisis response services voluntarily testifies, in which case the team member may be compelled to testify on the same subject;

(6) The court in camera determines that the information communicated by the individual who received crisis response services is not germane to the relationship between the individual and the team member; or

(7) The communication or advice pertains or is related to any criminal act.

SECTION 2. This act shall take effect July 1, 2008, the public welfare requiring it.